IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4301 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHAMEDABAD MUNICIPAL CORPN.

Versus

Akhil GUJARAT GENERAL MAZOOR SANGH

Appearance:

1. Special Civil Application No. 4301 of 1994

MR DC RAVAL for MR MR ANAND for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 20/01/2004

ORAL JUDGEMENT

Heard learned advocate Mr. Raval for the petitioner. Notice of rule issued by this Court has been

served upon the respondent. However, today, when this matter was taken up for hearing, the respondent has not appeared either in person or through any advocate. Therefore, considering that it is a matter of the year 1994, this Court has examined the merits of the matter without waiting for the respondent.

The workmen concerned namely Joshi Praduman Kacharashankar and others filed recovery application no. 2893 of 1993 under section 33-C-2 of the ID Act, 1947 on 13th October, 1993 alongwith which, an application for interim stay was also filed on the same day by the workmen through union and alongwith that, affidavit in support has also been filed. The labour court has passed interim order in recovery application no. 2893 of 1993 with a direction to the present petitioner to maintain status quo as regards 46 employees whose names have been mentioned in the recovery application and further hearing of the matter was fixed on 28th October, 1993. On returnable date, reply against the recovery application as well as interim relief application was filed by the petitioner. This ex parte ad interim order is under challenge in this petition. Paragraph 8 of the petition is reproduced as under:

> "8. Pending admission, final hearing and disposal of this petition, Your Lordships may be pleased to grant interim relief staying and suspending the operation of the impugned order at Annexure-C."

Impugned order at Annexure - C is the ex parte ad.interim order made by the labour court. That ex parte ad interim order made by the labour court has been stayed; meaning thereby, that ex parte ad-interim order made by the labour court is having no legal consequences in view of stay granted by this court. Learned advocate Mr. Raval is not aware about the subsequent development in the matter. Therefore, in such circumstances, according to this Court's opinion, if necessary directions are issued by this court to the labour court concerned to decide the recovery application no. 2893 of 1993 finally within some stipulated period, same would met interest of justice between the parties.

Accordingly, Labour Court, Ahmedabad is directed to finally decide the said recovery application no. 2893 of 1993 within six months from the date of receipt of copy of this order in accordance with law. Status quo as on today shall continue to operate till the final disposal of the said recovery application.

With these observations and directions, this petition is disposed of with no order as to costs. Moment this Court has stayed the ex parte ad.interim order made by the labour court, naturally, that order is not remaining in operation.

[H.K. Rathod,J.]

Vyas